Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 1086							
Bill #: HB 223							
Document ID #: 1938							
Bill Subject/Title: AN ACT relating to torture of a dog or cat.							
Sponsor: Representative Chris Freeland							
Unit of Government: x City x County x Urban-County Unified Local							
x Charter County x Consolidated Local x Government							
Office(s) Impacted: Local law enforcement and jails							
Requirement: <u>x</u> Mandatory Optional							
Effect on Powers & Duties: x Modifies Existing Adds New Eliminates Existing							

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 223 amends KRS 525.135, relating to torture of a dog or cat, to specify certain acts of torture, and increases the punishment for such acts to Class D felony. **The fiscal impact on law enforcement and jails will be minimal.** Local jails may experience some increase in Class D felony incarcerations which are subsidized by the state, and some corresponding decrease in misdemeanor incarcerations which are paid for by local government. The costs associated with misdemeanor and Class D felony incarcerations are described below.

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of

misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

Class D felons:

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the bill as introduced.

Data Sourc	e (s):	Kentucky Depart	ment of Correc	tions; Kentucky	Jailers Associati	<u>on</u>
Preparer:	H. Mar	ks	Reviewer:	KHC	Date:	1/15/20